

1 WILLIAM R. TAMAYO -- #084965 (CA)
2 DAVID F. OFFEN-BROWN #063321 (CA)
2 EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

FILED
Clerk
District Court

SEP 29 2005

For The Northern Mariana Islands
By _____
(Deputy Clerk)

3 San Francisco District Office
350 The Embarcadero, Suite 500
4 San Francisco, CA 94105-1260
Telephone: (415) 625-5652
5 Facsimile: (415) 625-5657

6 WILFREDO TUNGOL
EEOC Honolulu Local Office
7 Prince Kuhio Federal Building #7-127
300 Ala Moana Boulevard
8 Honolulu, Hawaii 96850-0051
Telephone: (808) 541-3121
9 Facsimile: (808) 541-3390

10 Attorneys for Plaintiff
11

12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE DISTRICT OF THE NORTHERN MARIANAS ISLANDS

CV 05-0029

14 EQUAL EMPLOYMENT OPPORTUNITY)
15 COMMISSION,

CIVIL ACTION NO.

16 Plaintiff,

COMPLAINT and
JURY TRIAL DEMAND

17 v.

18 KUMANOMI ISLAND COMPANY, LTD.,

19 Defendant..

21 NATURE OF THE ACTION

22 This is an action under Title VII of the Civil Rights Act of
23 1964 to correct unlawful employment practices on the basis of sex
24 (pregnancy), and to provide appropriate relief to Emily S. Barcelo
25 who was adversely affected by such practices. The Commission
26 alleges that Emily S. Barcelo was discriminated against on the
27 basis of sex when her employment was terminated because of her
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Complaint

1 || pregnancy.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 703(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

10 2. The employment practices alleged to be unlawful were
11 committed in Saipan, Northern Marianas Islands and within the
12 jurisdiction of this Court.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

1. At all relevant times, Defendant, Kumanomi Island Co., Ltd. (the "Employer"), a corporation registered to do business in the Commonwealth of the Northern Mariana Islands, has continuously been doing business in the island of Saipan, Northern Marianas and has continuously had at least 15 employees.

5. At all relevant times, Defendant Employer has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of EEOC v. Kumanomi Island Co. 2 Complaint

1 Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

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3 STATEMENT OF CLAIMS

4 6. More than thirty days prior to the institution of this
5 lawsuit, Emily S. Barcelo (the charging party) filed a charge with
6 the Commission alleging violations of Title VII by Defendant
7 Employer. All conditions precedent to the institution of this
8 lawsuit have been fulfilled.

9 7. Since at least October 2, 2002, Defendant Employer has
10 engaged in unlawful employment practices at its Saipan facility,
11 in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-
12 2(a) by failing to renew the charging party's employment contract
13 on the basis of her sex (female and pregnancy) and by depriving
14 her of employment benefits given to employees not affected by
15 pregnancy.

16 8. The effect of the practice complained of in paragraph 7
17 above has been to deprive Emily S. Barcelo of equal employment
18 opportunities and otherwise adversely affect her status as an
19 employee, because of her sex.

20 9. The unlawful employment practices complained of in
21 paragraph 7 above were intentional.

22 10. The unlawful employment practices complained of in
23 paragraph 7 above were done with malice or with reckless
24 indifference to the federally protected rights of Emily S. Barcelo
25 and other similarly situated individuals who were discriminated
26 against on the basis of their pregnancies or retaliated against.

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PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

4 A. Grant a permanent injunction enjoining Defendant
5 Employer, its officers, successors, assigns, and all persons in
6 active concert or participation with it, from engaging in
7 discrimination on the basis of pregnancy and any other employment
8 practice which discriminates on the basis of sex.

9 B. Order Defendant Employer to institute and carry out
10 policies, practices, and programs which provide equal employment
11 opportunities for women, and which eradicate the effects of its
12 past and present unlawful employment practices.

13 C. Order Defendant Employer to make whole Emily S. Barcelo
14 and others similarly situated who were discriminated against on
15 the basis of pregnancy, by providing appropriate backpay with
16 prejudgment interest, in amounts to be determined at trial, and
17 other affirmative relief necessary to eradicate the effects of its
18 unlawful employment practices.

19 D. Order Defendant Employer to make whole Emily S. Barcelo
20 and others similarly situated who were as discriminated against on
21 the basis of pregnancy, by providing compensation for past and
22 future pecuniary losses resulting from the unlawful employment
23 practices described in paragraph 7 above, including medical
24 expenses not paid by the Employer, in amounts to be determined at
25 trial.

26 E. Order Defendant Employer to make whole Emily S. Barcelo
27 and others similarly situated who were discriminated against on
28 the basis of pregnancy, by providing compensation for past and

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1 future nonpecuniary losses resulting from the unlawful practices
2 complained of in paragraph 7 above, including emotional pain and
3 suffering, inconvenience, loss of enjoyment of life, and
4 humiliation, in amounts to be determined at trial.

5 F. Order Defendant Employer to pay Emily S. Barcelo and
6 others similarly situated punitive damages for its malicious and
7 reckless conduct described in paragraph 7 above, in amounts to be
8 determined at trial.

9 G. Grant such further relief as the Court deems necessary
10 and proper in the public interest.

11 H. Award the Commission its costs of this action.

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JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

James O. Lee
Deputy General Counsel
Equal Employment Opportunity
Commission
1801 L Street, N.W.
Washington, DC 20507

Date: 9/28/05

William Tamayo by SL)
WILLIAM R. TAMAYO
Regional Attorney

Date: 9/28/05

David Offer
DAVID OFFEN-BROWN
Supervisory Trial Attorney

Date: 9/28/05

Wilfred Fungol
WILFREDO TUNGOL
Trial Attorney

W.M. v. Hawaiian Islands Co. 8
Decided